IN THE COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 13385 of 2005

Between:

Sara Ramulu, S/o. Ramakishtaiah,
R/o. Yelkurthy Village, Tekmal Mandal, Medak District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Medak.
2 The Mandal Revenue Officer, Tekmal Mandal, Medak District.
3 The Collector (Civil Supplies), Medak District at Sanga Reddy.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ in the nature of Writ of Mandamus or any other appropriate writ or writs, order or Direction, declaring and setting aside the proceedings dt. 14.05.2005 in Proc. No.J/1740/2004 on the file of the first respondent herein as illegal, arbitrary and unconstitutional:

Counsel for the Petitioner:MR.S.SUDEEP REDDY

Counsel for the Respondents.: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

1. The petitioner in this writ petition contends that the proceedings of the 1st respondent –Revenue Divisional Officer, Medak dated 14-5-2005 cancelling the authorization issued in favour of the petitioner is based on no evidence, the findings recorded therein are perverse and as such it is liable to be set aside.

2. The learned counsel for the petitioner, Mr. S.Sudeep Reddy, draws my attention to the facts stated in the show cause notice dated 18-11-2004 wherein a case in Crime NO.47 of 2004 dated 28-8-2005 is said to have been registered against the petitioner by the Station House Officer, Tekmal, based on a complaint that 35 bags of PDS rice of 50 Kgs were being transported (i.e. 17.5. quintals). This diversion of 17.5 quintals is charge No.1 of the show cause notice.

3. The learned counsel for the petitioner further submits that the aforesaid facts in charge No.1 runs contrary to charge No.2 wherein 7.2 quintals of PDS rice is said to be the variation. He also refers to the report said to have been submitted by the Station House Officer, Tekmal, dated 25-9-2004 to the Mandal Revenue Officer, wherein the stock available with the dealer is shown as only 7.2 quintals. It is the case of the learned counsel for the petitioner that these contradictory findings of fact in different proceedings warrant exercise by this Court of its extra ordinary jurisdiction under Article 226 of the Constitution of India and that the impugned proceedings of the 1st respondent dated 14-5-2005 is liable to be set aside.

4. Learned counsel for the petitioner fairly concedes that he preferred an appeal against the said order of the Revenue Divisional Officer before the 3rd respondent-Collector in CSA/22/A/2005 and that the said appeal is pending. While the contentions of the learned counsel, that the findings recorded in different

proceedings issued by the respondents run contrary to each other, seems to have some basis, these are all matters which are required to be examined by the appellate authority whose jurisdiction, the petitioner has already invoked by filing an appeal.

5. The writ petition is accordingly disposed of with a direction to the 3rd respondent-Joint Collector (Appellate Authority) to consider and dispose of the appeal preferred by the petitioner within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

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Ramesh Ranganathan, J.

23rd June, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Revenue Divisional Officer, Medak.
2 The Mandal Revenue Officer, Tekmal Mandal, Medak District.
3 The Collector (Civil Supplies), Medak District at Sanga Reddy.

4. The Joint Collector, Sangareddy, Medak District.

5. 2 CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

6. 2 CD copies

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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23rd June, 2005.